

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

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**In the Claims:**

This listing of claims replaces all prior versions and listing of claims in the application.

1. (Currently Amended) A communications system comprising:

at least one destination server for hosting a plurality of electronic mail (email) message boxes;

a plurality of communications devices for generating email messages each associated with a respective message box; and

a delivery server comprising a plurality of queues and a controller for

storing the email messages generated by said communications devices in a first queue, and attempting to send the stored email messages to said at least one destination server at a first sending attempt rate,

moving email messages stored in said first queue to a second queue based upon receipt of a delivery failure message,

attempting to send email messages stored in said second queue to said at least one destination server at a second sending attempt rate that is less than the first sending attempt rate,

the second queue being one of a plurality of queues arranged in a hierarchy, each queue in the plurality of queues having a storage interval that successively increases from a highest queue to a lowest queue, the storage interval being independent from the

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

/

first and second sending attempt rates,  
moving email messages from a higher queue to a next lower queue after being stored in said higher queue for a duration of its storage interval, and  
moving email messages having a common characteristic with a successfully delivered email message to said first queue.

2. (Original) The communications system of Claim 1 wherein the delivery failures are based upon a failure to deliver email messages to respective message boxes; and wherein the common characteristic comprises a common message box.

3. (Original) The communications system of Claim 1 wherein said at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to said destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

4. (Original) The communications system of Claim 1 wherein said controller stores directly in said second queue email messages generated by said communications devices sharing the common characteristic with an email message already stored in said second queue.

5. (Cancelled).

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. **10/786,450**  
Filed: **February 25, 2004**

---

6. (Previously Presented) The communications system of Claim 1 wherein said controller attempts to send messages from each of said queues in the hierarchy at successively decreasing sending rates from said highest queue to said lowest queue.

7. (Previously Presented) The communications system of Claim 1 wherein said controller discards messages from said lowest queue in the hierarchy after being stored therein for the storage interval thereof.

8. (Original) The communications system of Claim 1 wherein at least one of said plurality of communications devices comprises a wireless communications device.

9. (Original) The communications system of Claim 1 further comprising a wide area network (WAN) connecting said at least one destination server and said delivery server.

10. (Currently Amended) A delivery server for delivering electronic mail (email) messages from a plurality of communications devices to at least one destination server hosting a plurality of email message boxes, each email message being associated with a respective message box, said delivery server comprising:

a plurality of queues arranged in a hierarchy, each queue in said plurality of queues having a storage interval

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

associated that successively increases from a highest queue to a lowest queue; and

a controller for

storing the email messages generated by the communications devices in a first queue, and attempting to send the stored email messages to the at least one destination server at a first sending attempt rate, the first sending attempt rate being independent from the respective storage interval,

moving email messages stored in said first queue to a second queue based upon receipt of a delivery failure message,

attempting to send email messages stored in said second queue to the at least one destination server at a second sending attempt rate that is less than the first sending attempt rate, the second attempt rate being independent from the respective storage interval,

the second queue being one of the plurality of queues,

moving email messages [[form]] from a higher queue to a next lower queue after being stored in said higher queue for a duration of its storage interval, and

moving email messages having a common characteristic with a successfully delivered email message to said first queue.

11. (Original) The delivery server of Claim 10 wherein the delivery failures are based upon a failure to deliver email

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

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messages to respective message boxes; and wherein the common characteristic comprises a common message box.

12. (Original) The delivery server of Claim 10 wherein the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

13. (Original) The delivery server of Claim 10 wherein said controller stores directly in said second queue email messages generated by the communications devices sharing the common characteristic with an email message already stored in said second queue.

14. (Cancelled).

15. (Previously Presented) The delivery server of Claim 10 wherein said controller attempts to send messages from each of said queues in the hierarchy at successively decreasing sending rates from said highest queue to said lowest queue.

16. (Previously Presented) The delivery server of Claim 10 wherein said controller discards messages from said lowest queue in the hierarchy after being stored therein for the storage interval thereof.

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

/

17. (Currently Amended) An electronic mail (email) communications method comprising:

hosting a plurality of email message boxes on at least one destination server;

generating email messages each associated with a respective message box;

storing the email messages generated by the communications devices in a first queue;

attempting to send the stored email messages to the at least one destination server at a first sending attempt rate;

moving email messages stored in the first queue to a second queue based upon receipt of a delivery failure message;

attempting to send email messages stored in the second queue to the at least one destination server at a second sending attempt rate that is less than the first sending attempt rate;

the second queue being one of a plurality of queues arranged in a hierarchy, each queue in the plurality of queues having a storage interval that successively increases from a highest queue to a lowest queue, the storage interval being independent of the first and second sending attempt rates;

moving email messages from a higher queue to a next lower queue after being stored in the higher queue for a duration of its storage interval; and

moving email messages having a common characteristic with a successfully delivered email message to the first queue.

18. (Original) The method of Claim 17 wherein the delivery failures are based upon a failure to deliver email

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

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messages to respective message boxes; and wherein the common characteristic comprises a common message box.

19. (Original) The method of Claim 17 wherein the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

20. (Original) The method of Claim 17 wherein storing further comprises storing directly in the second queue email messages generated by the communications devices sharing the common characteristic with an email message already stored in the second queue.

21. (Cancelled).

22. (Previously Presented) The method of Claim 17 wherein attempting to send messages stored in the second queue comprises attempting to send messages from each of the queues in the hierarchy at successively decreasing sending rates from the highest queue to the lowest queue.

23. (Previously Presented) The method of Claim 17 further comprising discarding messages from the lowest queue in the hierarchy after being stored therein for the storage interval thereof.

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. 10/786,450  
Filed: February 25, 2004

/

24. (Currently Amended) A non-transitory computer-readable medium having computer-executable instructions for performing steps comprising:

storing email messages generated by a plurality of communications devices in a first queue, each email message having a respective message box associated therewith from among a plurality of message boxes hosted by at least one destination server;

attempting to send the stored email messages to the at least one destination server at a first sending attempt rate;

moving email messages stored in the first queue to a second queue based upon receipt of a delivery failure message;

attempting to send email messages stored in the second queue to the at least one destination server at a second sending attempt rate that is less than the first sending attempt rate;

the second queue being one of a plurality of queues arranged in a hierarchy, each queue in the plurality of queues having a storage interval that successively increases from a highest queue to a lowest queue, the storage interval being independent of the first and second sending attempt rates;

moving email messages from a higher queue to a next lower queue after being stored in the higher queue for a duration of its storage interval; and

moving email messages having a common characteristic with a successfully delivered email message to the first queue.

25. (Previously Presented) The non-transitory

In re Patent Application of:  
**ZAKHAROFF**  
Serial No. **10/786,450**  
Filed: **February 25, 2004**

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computer-readable medium of Claim 24 wherein the delivery failures are based upon a failure to deliver email messages to respective message boxes; and wherein the common characteristic comprises a common message box.

26. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein the at least one destination server comprises a plurality of destination servers; wherein the delivery failures are based upon a failure to deliver email messages to the destination servers; and wherein the common characteristic comprises having respective message boxes hosted by a common destination server.

27. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein storing further comprises storing directly in the second queue email messages generated by the communications devices sharing the common characteristic with an email message already stored in the second queue.

28. (Cancelled).

29. (Previously Presented) The non-transitory computer-readable medium of Claim 24 wherein attempting to send messages stored in the second queue comprises attempting to send messages from each of the queues in the hierarchy at successively decreasing sending attempt rates from the highest queue to the lowest queue.

In re Patent Application of:

**ZAKHAROFF**

Serial No. **10/786,450**

Filed: **February 25, 2004**

/

30. (Previously Presented) The non-transitory computer-readable medium of Claim 24 further comprising computer-executable instructions for performing the step of discarding messages from the lowest queue in the hierarchy after being stored therein for the storage interval thereof.